

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHINONYEREM OSUAGWU,

Plaintiff,

v.

11-cv-0001 MV/SMV

**GILA REG'L MED. CTR.;
JEAN REMILLARD, M.D.;
GREGORY KOURY, M.D.;
MICHAEL SARGENT, M.D.;
MARK DONNELL, M.D.;
RONALD DEHYLE, M.D.; and
DON WHITE, M.D.,**

Defendants.

FOURTH ORDER SETTING SETTLEMENT CONFERENCE

THIS MATTER is before the Court pursuant to a Telephonic Status Conference held on July 10, 2013. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **August 9, 2013, at 9:00 a.m.** in the Hondo Courtroom, fourth floor, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person. Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for

and during the conference.¹ *See generally Hand v. Walnut Valley Sailing Club*, No. 11-3228, 2012 WL 1111137 (10th Cir. Apr. 2, 2012) (unpublished) (affirming dismissal of case as sanction for violating confidentiality of settlement conference).

No later than **August 1, 2013**, Defendants shall serve on Plaintiff a letter that sets forth their opening counteroffer(s). If a release is contemplated, defense counsel shall include a proposed form of release with the letter. If the case does not settle, Defendants shall provide copies of the letter(s) to the Court no later than **5:00 p.m. on August 1, 2013**.³

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

IT IS THEREFORE ORDERED as follows:

Defendants' counteroffer due to Plaintiff:

August 1, 2013

Defendants provides copies of counteroffer letters to the Court by:

August 1, 2013, by 5:00 p.m.

Settlement Conference:

August 9, 2013, at 9:00 a.m.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

³ Each e-mail message and its attachments cannot exceed 5 MB. Data exceeding 5 MB should be submitted in individual e-mail messages, each less than 5 MB.